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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/823,847	04/14/2004	Yue-Chung Chen		5515

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FULWIDER PATTON LLP
HOWARD HUGHES CENTER
6060 CENTER DRIVE, TENTH FLOOR
LOS ANGELES, CA 90045

EXAMINER

NGUYEN, HANH N

ART UNIT	PAPER NUMBER
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2834

MAIL DATE	DELIVERY MODE
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10/08/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/823,847	Applicant(s) CHEN, YUE-CHUNG	
	Examiner HANH N. NGUYEN	Art Unit 2834	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 September 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 3-7 is/are allowed.
- 6) ☒ Claim(s) 6,8,10,11,14 and 17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 September 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Remarks

1. In view of Applicant's arguments in the Petition filed 7/30/2007, the Examiner withdraws the Election/Restriction requirements to claims 8-14. The Examiner also withdraws the Objections to the Drawings and the Specification.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claim 8 is rejected under 35 U.S.C. 102(e) as being anticipated by Kikuchi et al (US 6,713,927).

Regarding claim 8, Kikuchi et al. disclose an induction motor system, comprising: a shell (please compare the shell 44 in Fig. 6 of Kikuchi to the shell in Fig. 4-3 of the present invention); an induction motor having a rotor (2 in Fig. 1) and a stator having a plurality of stator poles (23 in Fig. 6) with stator windings (30) associated with each stator pole; wherein the rotor is located within the shell, and a first portion of the stator poles is located within the shell, and a second portion of the stator poles are located outside the shell such that the stator windings are located outside the shell (Fig. 6).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 10, 11, 14, 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kikuchi et al.

Regarding claim 14, Kikuchi et al. show all limitations of the claimed invention (please refer to the rejection of claim 8) except showing the step of welding the shell to the stator pole. It would have been obvious at the time the invention was made to a person having an ordinary skill in the art to modify Kikuchi et al. by welding the shell to the stator pole since the method of welding, gluing or press-fitting are equivalent methods to attach two parts together would be within a level of an ordinary skill in the art.

Regarding claims 10, 11, 16 and 17, it would have been obvious at the time the invention was made to a person having an ordinary skill in the art to use a non-magnetic material or diamagnetic material to fabricate the shell, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. In re Leshin, 125 USPQ 416.

Allowable Subject Matter

4. Claims 3-7 are allowed.

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5. Claims 9, 12, 13, 15, 18 and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 3, the prior art of record does not show an apparatus having a refrigeration cycle as described in claim 3 comprising an induction motor having a rotor and a stator having a plurality of stator poles with stator windings associated with each stator pole, the motor being coupled to compressor to drive the compressor; wherein the rotor is located within the shell, and the shell is welded to the stator poles such that a portion of each stator pole is located within the shell and the stator windings are located outside the shell.

Regarding claims 9 and 15, the prior art of record does not show the induction motor system further comprising a compressor located within the shell and coupled to the rotor, wherein the shell forms a closed space for a hermetic system or the method comprising the step of coupling the rotor of the motor to a compressor, wherein the shell forms a closed space for a hermetic system, and the motor and compressor are located within the shell.

Regarding claims 12 and 18, the prior art of record does not show the induction motor system wherein the stator poles are laminated structures, and the laminated structures of each stator pole are welded together to prevent a gas from leaking between the laminated structures of each stator pole or the method of constructing a

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motor comprising the step of welding the laminated structures of each stator pole together to prevent a gas leak.

Regarding claims 13 and 19, the prior art of record does not show the induction motor system wherein each stator pole includes a small gap such that the portions of the stator poles outside the shell may be removed from the motor system or the method of constructing a motor comprising the step of cutting each stator pole to form a small gap such that the portions of the stator poles outside the shell may be removed from the motor.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh N Nguyen whose telephone number is (571) 272-2031. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darren Schuberg, can be reached on (571) 272-2044. The fax phone numbers for the organization where this application or proceeding is assigned are (571) 273-8300 for regular communications and (571) 273-8300 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-1000.

HNN

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September 30, 2008

/Nguyen N Hanh/

Primary Examiner, Art Unit 2834